

CHAPTER 13 PLAN

Filing Date: _____ Docket #: _____

Debtor: **Linik, James I** _____ Co-Debtor: _____

SS#: **1926** _____ SS#: _____

Address: **57 Faxon Ln** _____ Address: _____

Quincy, MA 02169-6632 _____ , _____

Debtor's Counsel:

Benner & Weinkauff
50 Braintree Hill Park Ste 302
Braintree, MA 02184-8831

(781) 356-5494

(866) 227-4592

ATTACHED TO THIS COVER SHEET IS THE CHAPTER 13 PLAN FILED BY THE DEBTOR(S) IN THIS CASE. THIS PLAN SETS OUT THE PROPOSED TREATMENT OF THE CLAIMS OF CREDITORS. THE CLAIMS ARE SET FORTH IN THE BANKRUPTCY SCHEDULES FILED BY DEBTOR(S) WITH THE BANKRUPTCY COURT.

YOU WILL RECEIVE A SEPARATE NOTICE FROM THE BANKRUPTCY COURT OF THE SCHEDULED CREDITORS MEETING PURSUANT TO 11 U.S.C. § 341. THAT NOTICE WILL ALSO ESTABLISH THE BAR DATE FOR FILING PROOFS OF CLAIMS.

PURSUANT TO THE MASSACHUSETTS LOCAL BANKRUPTCY RULES, YOU HAVE UNTIL THIRTY (30) DAYS AFTER THE § 341 MEETING OR THIRTY (30) DAYS AFTER THE SERVICE OF AN AMENDED OR MODIFIED PLAN TO FILE AN OBJECTION TO CONFIRMATION OF THE CHAPTER 13 PLAN, WHICH OBJECTION MUST BE SERVED ON THE DEBTOR, DEBTOR'S COUNSEL AND THE CHAPTER 13 TRUSTEE.

United States Bankruptcy Court

District of Massachusetts

CHAPTER 13 PLAN

Docket No.:

DEBTOR(S): (H) Linik, James I SS# 1926
 (W) _____ SS# _____

I. PLAN PAYMENT AND TERM:Debtor(s) shall pay monthly to the Trustee the sum of \$ 250.00 for the term of:☐ 36 Months. 11 U.S.C. § 1325(b)(4)(A)(i);☒ 60 Months. 11 U.S.C. § 1325(b)(4)(A)(ii);☐ 60 Months. 11 U.S.C. § 1322(d)(2). Debtor avers the following cause:☐ ____ Months. The Debtor states as reasons therefore:**II. SECURED CLAIMS:**

A. Claims to be paid through the plan (including arrears):

Creditor	Description of Claim (pre-petition arrears, purchase money, etc.)	Amount of Claim
None		

Total of secured claims to be paid through the Plan: \$ 0.00

B. Claims to be paid directly to creditors (not through plan):

Creditor	Description of Claim
Cco Mortgage Corp.	57 Faxon Lane First Mortgage 2012-03-01
Pnc Bank, N.A.	2nd Mortgage 57 Faxon Lane 2006-06-01
Rockland Federal Cr Un	Toyota Rav 4 2014-07-01
Rockland Federal Cr Un	Toyota Highlander 2014-03-01

C. Modifications of Secured Claims:

Creditor	Details of Modification (Additional details may be attached)	Amt. of Claim to Be Paid Through Plan
None		

D. Leases:

i. The Debtor(s) intend(s) to reject the residential/personal property lease claims of:

None

ii. The Debtor(s) intend(s) to assume the residential/personal property lease claims of :

None

iii. The arrears under the lease to be paid under the Plan are _____.

III. PRIORITY CLAIMS:

A. Domestic Support Obligations:

Creditor	Description of Claim	Amount of Claim
None		

B. Other:

Creditor	Description of Claim	Amount of Claim
None		

Total of Priority Claims to Be Paid Through the Plan: \$ 0.00

IV. ADMINISTRATIVE CLAIMS:

A. Attorneys fees (to be paid through the Plan): \$ 3,000.00.

B. Miscellaneous fees:

Creditor	Description of Claim	Amount of Claim
None		

C. The Chapter 13 Trustee's fee is determined by Order of the United States Attorney General. The calculation of the Plan payment set forth utilizes a 10% Trustee's commission.

V. UNSECURED CLAIMS:

The general unsecured creditors shall receive a dividend of 17.09% of their claims.

A. General unsecured claims: \$ 61,450.00

B. Undersecured claims arising after lien avoidance/cramdown:

Creditor	Description of Claim	Amount of Claim
None		

C. Non-Dischargeable Unsecured Claims:

Creditor	Description of Claim	Amount of Claim
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Total of A + B + C unsecured claims: \$ 61,450.00

D. Multiply total by percentage: \$ 10,500.00.

(Example: total of \$38,500.00 x .22 dividend = \$8,470.00)

E. Separately classified unsecured claims (co-borrower, etc.):

Creditor	Description of Claim	Amount of Claim
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None

Total amount of separately classified claims payable at 100%: \$ 0.00

VI. OTHER PROVISIONS:

A. Liquidation of assets to be used to fund Plan:

B. Miscellaneous provisions:

*This is a pot plan. The payments made hereunder are constant. The stated dividend is only an estimate. If the amount of allowed unsecured claims differs from the amount in Part V, the percentage dividend shall be automatically adjusted to accommodate the difference.

VII. CALCULATION OF PLAN PAYMENT:

A. Secured claims (Section I-A Total): \$ 0.00

B. Priority claims (Section II-A & B Total): \$ 0.00

C. Administrative claims (Section III-A & B Total): \$ 3,000.00

D. Regular unsecured claims (Section IV-D Total): + \$ 10,500.00

E. Separately classified unsecured claims: \$ 0.00

F. Total of a + b + c + d + e above: \$ 13,500.00

G. Divide (f) by .90 for total including Trustee's fee: Cost of Plan: \$ 15,000.00

(This represents the total amount to be paid into the Chapter 13 Plan)

H. Divide (G), Cost of Plan by, Term of Plan, 60 months

I. Round up to nearest dollar: Monthly Plan Payment: \$ 250.00

(Enter this amount on Page 1)

Pursuant to 11 U.S.C. §1326(a)(1) unless the Court orders otherwise, debtor shall commence making the payments proposed by a plan within thirty (30) days after the petition is filed. Pursuant to 11 U.S.C. §1326(a)(1)(C), the debtor shall make preconfirmation adequate protection payments directly to the secured creditor.

VIII. LIQUIDATION ANALYSIS

A. Real Estate:

Address	Fair Market Value	Total Amount of Recorded Liens (Schedule D)
57 Faxon Ln, Quincy, MA 02169-6632	350,000.00	266,133.00

Total Net Equity for Real Property:	\$ <u>83,867.00</u>
Less Total Exemptions (Schedule C):	\$ <u>83,867.00</u>
Available Chapter 7:	\$ <u>0.00</u>

B. Automobile

Describe year, make and model	Value	Lien	Exemption
2013 Toyota Highlander	25,500.00	20,287.00	7,500.00
2014 Toyota Rav 4	18,625.00	26,019.00	0.00

Total Net Equity:	\$ <u>5,213.00</u>
Less Total Exemptions (Schedule C):	\$ <u>5,213.00</u>
Available Chapter 7:	\$ <u>0.00</u>

C. All Other Assets (All remaining items on Schedule B): (Itemize as necessary)

Total Net Value:	\$ <u>54,785.00</u>
Less Exemptions (Schedule C):	\$ <u>54,785.00</u>
Available Chapter 7:	\$ <u>0.00</u>

D. Summary of Liquidation Analysis (total amount available under Chapter 7):

Net Equity (A and B) plus Other Assets (C) less all claimed exemptions: \$ 0.00.

E. Additional Comments regarding Liquidation Analysis:

IX. SIGNATURES

Pursuant to the Chapter 13 rules, the debtor or his or her attorney is required to serve a copy of the Plan upon the Chapter 13 Trustee, all creditors and interested parties, and to file a Certificate of Service accordingly.

/s/ Thomas Benner
Debtor's Attorney

March 4, 2015
Date

Attorney's Address:
Benner & Weinkauff
50 Braintree Hill Park Ste 302
Braintree, MA 02184-8831

Tel. # (781) 356-5494

Email Address: tbenner@tbennerlaw.com

I/WE DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS OF FACT ARE TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

/s/ James I Linik

Debtor

March 4, 2015

Date

Debtor

March 4, 2015

Date